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7	UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA	
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9		C N- 4:10 00007 DMD
10	AG. G. a minor, by and through his guardian ad litem, JESSICA AQUINO; AR. G., a minor, by	Case No. 4:19-cv-00697 DMR
11	and through his guardian ad litem, JESSICA AQUINO; KARLA GONSALEZ, individually;	DECLARATION OF BENJAMIN NISENBAUM IN SUPPORT OF
12	and AUGUSTIN GONZALES JR., individually;	PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
13	Plaintiffs,	JUDGWENT
14	VS.	
15	CITY OF HAYWARD, a municipal corporation;	Date: July 9, 2020
16	MARK KOLLER, individually; PHILLIP WOOLEY, individually; MICHAEL CLARK,	Time: 1:00 p.m. Courtroom: 4
17	individually; TASHA DECOSTA, individually; and DOES 1-100, inclusive,	
18		Hon. Donna M. Ryu
19	Defendants.	
20		
21	DECLARATION OF BENJAMIN NISENBAUM	
22		
23	I, Benjamin Nisenbaum, hereby declare:	
24	1. I am one of the attorneys of record for the Plaintiffs. This declaration is submitted in	
25	support of Plaintiffs' Opposition to Defendants Motion for Summary Judgment.	
26	2. Attached hereto as Exhibit A is a true and correct copy of Defendant Phillip Wooley's	
27	body-cam video pertaining to the instant matter;	
28	3. Attached hereto as Exhibit B is a true and correct copy of relevant segments of the	

Declaration of Benjam Nisenbaum in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment 1 GONSALEZ, et al. v. CITY OF HAYWARD, et al.

deposition of Defendant Phillip Wooley taken in the instant-matter, pertaining to the instant matter;

 4. Attached hereto as Exhibit C is a true and correct copy of selected pages from the Taser User Manuals for the X-2 and the X-26 models, pertaining to the instant matter;

- 5. Attached hereto as Exhibit D is a true and correct copy of the Rule 26 Rebuttal report of Plaintiffs' videoforensic expert Gregg Stutchman, including its exhibits, pertaining to the instant matter;
- 6. Attached hereto as Exhibit E is a true and correct copy of relevant portions of the deposition testimony of Defendant Michael Clark, pertaining to the instant matter;
- 7. Attached hereto as Exhibit F is a true and correct copy of the Rule 26 Opening report of Plaintiffs' videoforensic expert Gregg Stutchman, with selected exhibits, pertaining to the instant matter;
- 8. Attached hereto as Exhibit G is a true and correct copy of the OIS interview transcript of Defendant Wooley, produced by Defendants, pertaining to the instant matter;
- 9. Attached hereto as Exhibit H is a true and correct copy of relevant portions of the deposition of Defendant Tasha DeCosta, pertaining to the instant matter;
- 10. Attached hereto as Exhibit I is a true and correct copy of the Rule 26 Report of plaintiffs' police practices expert Roger Clark, pertaining to the instant matter;
- 11. Attached hereto as Exhibit J is a true and correct copy of Defendant DeCosta's body-cam video, pertaining to the instant matter;
- 12. Attached hereto as Exhibit K is a true and correct copy of the complete deposition of Defendants police practice expert Scott Seaman, pertaining to the instant matter;
- 13. Attached hereto as Exhibit L is a true and correct copy of relevant portions of the deposition of Christina Rodrigues, pertaining to the instant matter;
- 14. Attached hereto as Exhibit M is a true and correct copy of the OIS interview transcript of Defendant Michael Clark produced by Defendants, pertaining to the instant matter;
- 15. Attached hereto as Exhibit N is a true and correct copy of relevant portions of the deposition of Defendants PMK deponent Lt. Mark Ormsby, pertaining to the instant matter;
- 16. Attached hereto as Exhibit O is a true and correct copy of relevant portions of the deposition of Defendants PMK deponent Sgt. Faye Maloney, pertaining to the instant matter;

- 17. Attached hereto as Exhibit P is a true and correct copy of the Rule 26 expert report of Defendants retained expert Alexander Jason, pertaining to the instant matter;
- 18. Attached hereto as Exhibit Q is a true and correct copy of the Internal Affairs report pertaining to the subject-incident (though marked "Highly Confidential", the parties have agreed it may be filed publicly).
- 19. Attached hereto as Exhibit R is a true and correct printout of the webpage maintained by Defendant City: https://www.hayward-ca.gov/police-department/divisions/office-chief/internal-affairs-unit/critical-incident-community-briefing

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my personal knowledge, except where stated on information and belief, and to those matters I am informed and believe them to be true. If called as a witness, I would competently testify to those matters stated herein.

Executed June 18, 2020, at Oakland, California.

/s/ Benjamin Nisenbaum
Ben Nisenbaum
Attorney for Plaintiffs